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COUNSEL/PARTIES OF RECORD	
JAN - 2 2015	
FILED	RECEIVED DISTRICT COURT
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COUNSEL/PARTIES OF RECORD	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
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CLERK US DISTRICT COURT	DISTRICT OF NEVADA
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10 UNITED STATES DISTRICT COURT

11 DISTRICT OF NEVADA

12 \$115,964.46 IN UNITED STATES ) 2:14-CV-948-GMN-(NJK)  
 13 CURRENCY )

14 THE UNITED STATES OF AMERICA'S UNOPPOSED SEALED EX PARTE APPLICATION  
 15 TO EXTEND THE TIME TO FILE A CIVIL COMPLAINT FOR FORFEITURE IN REM OF  
 16 THE \$115,964.46 IN UNITED STATES CURRENCY AND ORDER  
 (Second Request)

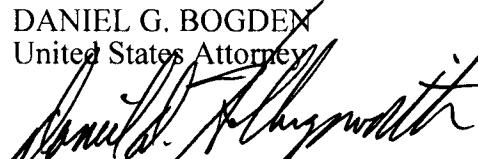
17 The United States of America, by and through Daniel G. Bogden, United States Attorney for the  
 18 District of Nevada, and Daniel D. Hollingsworth, Assistant United States Attorney, respectfully applies  
 19 for an extension of time to and including July 8, 2015, for the United States to file a Civil Complaint For  
 20 Forfeiture In Rem of the \$115,964.46 in United States Currency pursuant to 18 U.S.C. § 983(a)(3)(A)  
 21 and LR 6. The Civil Complaint For Forfeiture In Rem of the \$115,964.46 in United States Currency is  
 22 currently due January 8, 2015.

23 The grounds for this application are (1) the government is pursuing criminal prosecution against  
 24 James Jariv with a trial date of February 9, 2015, and (2) counsel for James Jariv agreed to the extension  
 25 of time. The government and James Jariv are engaged in plea negotiations, and he will plead guilty in the  
 26 criminal case within the next few months.

1 This Sealed Ex Parte Application is made and is based on this Application and the attached  
2 Memorandum of Points and Authorities.

3 DATED this 31<sup>st</sup> day of December, 2014.

4 DANIEL G. BOGDEN  
5 United States Attorney

6   
7 DANIEL D. HOLLINGSWORTH  
8 Assistant United States Attorney

## **MEMORANDUM OF POINTS AND AUTHORITIES**

## **I. STATEMENT OF FACTS**

On or about January 14, 2014, \$115,964.46 in United States Currency was seized from Mountain America Credit Union, account number 9666537, in the name of Global Energy Group Inc., DBA MJ Biofuel, located at 7820 West Lake Mead Boulevard, Las Vegas, Nevada 89128 with a judicially approved and issued civil seizure warrant.

The \$115,964.46 in United States Currency was subject to administrative summary forfeiture proceedings; however, James Jariv (“Jariv”) filed an administrative claim on or about April 9, 2014.

Nathan Stolar pled guilty to the Indictment. Jariv will plead guilty to the Indictment within the next few months.

## II. ARGUMENT

This Court should grant this application for an extension of time to file a Civil Complaint For Forfeiture In Rem of the \$115,964.46 in United States Currency because counsel for Jariv has agreed. LR 6-1; 18 U.S.C. § 983(a)(3)(A).

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims . . . , a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or upon agreement of the parties.”

18 U.S.C. § 983(a)(3)(A).

The filing of a Civil Complaint For Forfeiture In Rem, pursuant to 18 U.S.C. § 983, starts a civil forfeiture in rem action that is new and is separate from the criminal prosecution. A district court has the authority under 18 U.S.C. § 983(a)(3)(A) to extend the period of time to file a Civil Complaint For Forfeiture In Rem based on the agreement of the parties. Doing otherwise could cause interference with the criminal prosecution.

On December 22, 2014, Jariv's counsel, Tim Johnson, agreed to the extension of time and authorized counsel for the United States to file this unopposed motion with this Court. Because the parties have agreed that the United States should be allowed an extension of time to file its In Rem

1 Complaint, the government respectfully asks this Court to grant its motion pursuant to 18 U.S.C. §  
2 983(a)(3)(A).

3 This Application is not submitted solely for the purpose of delay or for any other improper  
4 purpose.

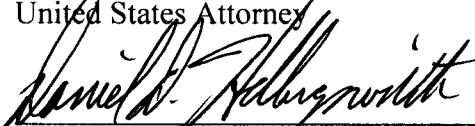
5 **II. CONCLUSION**

6 This Court should grant an extension of time to July 8, 2015, for the United States to file a Civil  
7 Complaint For Forfeiture In Rem of the \$115,964.46 in United States Currency under 18 U.S.C. §  
8 983(a)(3)(A) because both parties agreed to the extension.

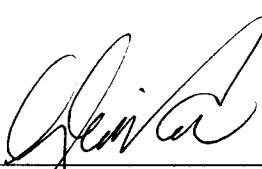
9 DATED this 31 day of December, 2014.

10 Respectfully submitted,

11 DANIEL G. BOGDEN  
United States Attorney

12   
13 DANIEL D. HOLLINGSWORTH  
14 Assistant United States Attorney

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17 IT IS SO ORDERED:

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19 UNITED STATES DISTRICT JUDGE

20  
21 DATED: 1-2-15

22  
23 GLORIA M. NAVARRO, Chief Judge  
24 United States District Court